

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DONNA CHALUPOWSKI,
Plaintiff,

v.
THE UNITED STATES OF AMERICA,
Defendant.

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

The plaintiff, Donna Chalupowski ("CHALUPOWSKI") brings this action pursuant to the Federal Tort Claims Act ("TCA"), 28 USC sec. 2674 against the United States of America for injuries and damages she sustained as a result of a fall at the United States Postal Service ("USPS") office located at 2 Margin Street, Salem, Massachusetts ("THE SALEM POST OFFICE") which occurred on September 10, 2015 and resulting from the negligence of USPS employee(s) in creating and/or allowing an unreasonably hazardous conditions in the said Post Office.

1. This Court has jurisdiction in this action pursuant to 28 USC sec. 1346.
2. CHALUPOWSKI is a natural person residing in Salem, Essex County, Massachusetts.
3. At all times pertinent to this complaint, including on or about September 10, 2015, CHALUPOWSKI was in the exercise of all due care for her own safety and the safety of others.
4. At all times pertinent to this complaint, including on or about September 10, 2015, the USPS negligently created, allowed, failed to remedy and/or failed to warn of unreasonably hazardous condition(s) on the floor of the SALEM POST OFFICE, including but not limited to an accumulation of water and other foreign substances.
5. On or about September 10, 2015, CHALUPOWSKI was lawfully on the premises of the SALEM POST OFFICE.
6. On or about September 10, 2015, CHALUPOWSKI was caused to fall by reason of the said unreasonably hazardous condition(s) on the floor of the SALEM POST OFFICE.
7. As a direct, proximate and foreseeable result of the negligence of the USPS on September 10, 2015, CHALUPOWSKI sustained severe personal injuries causing her to endure continued medical care and treatment; emotional and physical pain and suffering; ongoing disability, disfiguring scars, out-of-pocket expenses, including, but not limited

to, medical expenses; lost wages, loss of earning capacity and loss of quality and enjoyment of life.

8. By letters dated June 17, 2016 and January 4, 2017, CHALUPOWSKI submitted her claim to the USPS, pursuant to 28 USC sec. 2675. See Exhibits 1 & 2.
9. More than six (6) months have elapsed since CHALUPOWSKI submitted her said claim and the USPS has failed to effect a settlement of same. By letter of 7/14/17 the claim was denied.

WHEREFORE, the plaintiff, Donna Chalupowski demands judgment against the defendant, the United States of America in the sum of twenty one thousand (\$21,000.00) dollars plus interest and costs, reasonable attorney's fees and for such other and further relief as this honorable Court may deem just.

THE PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL COUNTS AND CLAIMS.

By her attorney,

/s/ John J. Regan
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